



# GUERNSEY IMAGE RIGHTS – A PRACTICAL GUIDE

Guernsey's Image Rights legislation provides the ability for registration within 5 distinct categories of personalities. This, in turn enables the registration of a wide variety of rights and associated imagery. Below we set out the various categories of personality together with an example of how we might go about protecting the rights of a certain well known spy character.

## Types of personality

### 1. Natural Person

This covers any sole personality such as Usain Bolt, David Beckham, Lady Gaga etc. This can be any personality who is alive or who died within 100 years of the application. This would therefore cover personalities such as James Dean, Marilyn Monroe and Elvis Presley.

### 2. Joint Personality

This covers two or more natural or legal persons who are intrinsically linked together such as Morecambe and Wise or Ant and Dec. The constituent parts of a joint personality can not be changed.

### 3. Group

An example of this would be England football team or the group Queen. Both of these groups feature memberships which change over time. It could be argued that a group such as U2, whose members have not changed, may be considered a joint personality.

### 4. Fictional Characters

Fictional characters will be able to be registered singly, jointly or in groups. Examples of each would be Winnie the Pooh, Tom and Jerry and the Teletubbies, although if the component parts of the group were never going to change then a joint personality right might be preferable.

### 5. Legal Entity

A legal entity in whatever form will be able to register itself as a personality and will be able to register images associated with itself. This means that a corporation such as Marvel or Disney would be able to register and associate names and images of the characters it creates.

## Real world example - James Bond

When considering James Bond, we are making the distinction between the character and the author, Ian Fleming. James Bond is a

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fictional character and is registerable in his own right under this category. We have listed below the various rights we would be able to protect, along with examples.

### Personality Right

Individual name (of personage) - James Bond. This is the first stage of the application and represents the name of the personage. In addition, it is possible to register a pseudonym that the personage wishes to be known as for the purposes of the personality, if different. This is not the case for James Bond, but would be the case for a human who is known by a stage name, such as Lady Gaga. A picture of the personage would accompany the application. This would be used to depict the personage, rather than necessarily being a protected image in its own right.

The personality right includes the registration of a single image right. We would always recommend including in the personality application the 'image' of the name of the personality, in order to ensure that this is protected as a matter of course. Further names or nicknames can be added later as further image rights. Please note that whilst the Personality Right lasts for a period of 10 years, the included Image Right will last for 3 years.

### Underlying image rights

1. Any further names by which the personality is known such as 007 and Bond.
2. Still images associated with the various guises of the personality. Here we would suggest using a depiction of the each version of Bond, with each of the different actors:

Sean Connery  
George Lazenby  
Roger Moore  
Timothy Dalton  
Pierce Brosnan  
Daniel Craig

Clearly it would have to be established that each of the actors concerned had consented to the use of their image as James Bond by the prospective proprietor. This is where the role of the Registered Image Rights Agent will be key, in order to establish the chain of ownership and provide the correct registration advice

There could be as many different images as required, depicting different poses, such as Daniel Craig in a suit, in swimming trunks etc.

3. Moving Images - any video or cinematic footage containing the personality can be included in this category.

We would suggest including all of the feature films, together with trailers and any different versions, to ensure the best protection.

4. Illustration or computer generated likeness - we would include any drawing or illustration, whether analogue or computer generated which is published or used within an animation or a computer game.

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**5. Voice** - any sound recording containing the personality's voice can be protected as an image right. In this case we would register each of the actors saying the line 'The names's Bond, James Bond', and "Shaken, not stirred" together with any other saying which may be licensed out or needs to be protected.

**6. Mannerisms or gestures of the personality** Any mannerism or gesture can be protected, such as the silhouette of Bond holding a gun, turning and shooting or holding a martini glass.

**7. The signature of the personality**

Any representation of the signature can be included within the protected images.

**8. Other associated indicia of the personality** This can be anything associated with the personality such as Bond's cars, the names of the movies, the title music etc

### Important points to note

All aspects of both the personality rights and the image rights can be assigned and / or licensed in their own right. This means that although part of the same main registration, underlying image rights can easily be dealt with for specific purposes.

All personality types are capable of being registered for up to 100 years after the death of the personality

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